

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF)
MISDEMEANOR CRIMINAL) ORDER
RULE 9.4)
_____)

The Court having reviewed a recommendation to amend Misdemeanor Criminal Rule 9.4, and the Court having fully considered the same;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Misdemeanor Criminal Rules as they appear in the volume published by the Idaho Code Commission be, and they are hereby, amended as follows:

1. That Misdemeanor Criminal Rule 9.4 be, and the same is hereby, amended as follows:

Rule 9.4. Alcohol-drug evaluation report.

(b) **Evaluation Report.** The report of the alcohol-drug evaluation shall be attached to the face sheet and shall contain the following information in the following order:

(11) Recommendations as to the most appropriate treatment program together with the estimated costs.

(12) Recommendations for suitable alternative treatment programs together with the estimated costs.

(13) Whether the evaluator is the person or facility recommended to provide the treatment. If so, the evaluator must certify that the conflict of interest provision in Idaho Code § 18-8005(11) has been and will be complied with in all respects. The certification shall be in the following form:

Certification pursuant to I.C. § 18-8005(11).

I hereby certify under penalty of perjury that:

- (a) I am aware of the conflict of interest provision in Idaho Code § 18-8005(11), which provides that "[i]f treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment unless this requirement is waived by the sentencing court."
- (b) I understand that if the court orders treatment or additional treatment beyond that which has been provided prior to sentencing that the ordered treatment may not be provided by me unless I first obtain a waiver from the sentencing court.

DATED this _____ day of _____, 20__.

Evaluator

~~(13)~~ (14) Identification of any source used to verify any information provided in the evaluation.

~~(14)~~ (15) In the event an evaluator submits an evaluation that is not in compliance with this rule, the court may return the evaluation with instructions to prepare an evaluation in compliance with the rule at no additional cost to the defendant. If the evaluator fails to submit an evaluation in compliance with this rule after such an instruction, the court may decline any future evaluations from the evaluator.

(16) If an evaluator provides treatment to a defendant in violation of the provisions of Idaho Code § 18-8005(11), the court may decline any further evaluations from that evaluator.

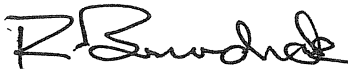
IT IS FURTHER ORDERED, that this order and these amendments shall be effective the first day of July, 2015.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Misdemeanor Criminal Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

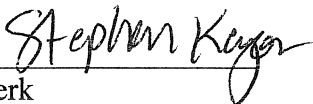
DATED this 9 day of March, 2015.

By Order of the Supreme Court



Roger S. Burdick, Chief Justice

ATTEST:


Clerk

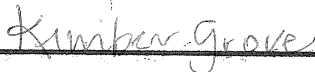
I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.

WITNESS my hand and the Seal of this Court 3/12/15

STEPHEN W. KENYON

Clerk

By:



Deputy